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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Contempt Petition No. 95 of 2006.

PETITIONER Krishnakar Gorakh, S/o Late Nirmal Gorakh age 36, R/o Opp. Dayalband Primary School, Bilaspur (C.G.)

VERSUS

RESPONDENT Ashok Agrawal, S/o Jagmohan Das Agrawal, age 45, Director Bilaspur Infrastructure Private Ltd, Regd. Off: BF-1, 1st Floor, Rajiv Plaza, Bilaspur (C.G.)

Present: Shri Ali Asgar, learned counsel for the petitioner.

ORAL ORDER
(Passed on 19th June, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

The complaint in this contempt case is that the application of the petitioner for allotment of shop has been rejected by the respondent stating the same reason which he had earlier stated, therefore, it is complained that the impugned action of the respondent would tantamount to contempt of the Court. We do not think so. The legality of the demand was not decided by this Court in the previous writ proceeding. The Court only directed the third respondent to consider the application of the petitioner for allotment of shop under the scheme in accordance with law, if he were to make such application within a period of three weeks from the date of disposal of the previous writ petition. If the rejection of the application of the petitioner by the third

respondent is not justified, it is open for the petitioner to assail the validity of the same in an appropriate independent legal proceeding. That right is reserved to the petitioner. The contempt case is closed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge